

## **NOVEMBER 18, 2013**

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman John Barton at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Barton, Vaezi, Mayor Tomaszewski, Watters, Mills, Spender, Farino, Drazek, Hight.

Absent: Hazen, Tate, Creedon

Also present: Drew DiSessa, P.E.; William Edleston, Esquire.

The Pledge of Allegiance was recited.

**MOTION** was made by **VAEZI** to approve the minutes of the October 21, 2013 meeting, as written.

**SECONDED: HIGHT.**

Those in favor: Vaezi, Mayor Tomaszewski, Watters, Mills, Spender, Farino, Drazek, Hight, Barton.

Opposed: None.

Abstained: None.

Regarding the resolution for Case #13-06, Ezariah Stecker, Edleston mentioned possible amendments to the resolution draft.

Spender asked if Warren County Board of Health issued an approval of the use of six bedrooms, and the capability of the septic system.

Farino mentioned it would be difficult to fight fires on the third floor if the rooms were to be used as bedrooms. Farino also mentioned designating the use as an owner/occupied use would be different from straight apartment rental units.

Hight stated the building was a tavern/residential use for many years and there were no problems with any of the above mentioned issues. Hight also didn't feel it was proper to discuss the matter without the Stecker's being present. Edleston agreed with Hight regarding holding the discussion without the Stecker's being present.

Barton agreed with Hight's statements.

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Spender stated he was not agreeable to approving six bedrooms. DiSessa stated the septic system issue is between the property owner and the Warren County Board of Health. DiSessa stated the board is simply being asked to confirm what is being described and proven by the applicant as the current use.

**MOTION** was made by **MAYOR TOMASZEWSKI** to approve the amended resolution for Case #13-06, Ezariah Stecker, with the first paragraph on page five being amended to read “. . . Anderson Hotel are recognized as a single residential use on the second and third floors.”

**SECONDED: VAEZI.**

Those in favor: Mayor Tomaszewski, Watters, Mills, Spender, Farino, Drazek, Hight, Vaezi, Barton.

Opposed: None.

Abstained: None.

**Case #13-08, Donald DeMuth**

Present for the applicant: Donald & Victoria DeMuth; Rick Alpaugh

Hight and Watters recused themselves from the hearing.

The DeMuths and Alpaugh were sworn in by Edleston.

Exhibit A-1 – aerial photograph of the subject property

DeMuth stated the home was built in 1825, and certainly built prior to the existence of zoning regulations. DeMuth explained the home sits very close to the road, and already lies within the front yard setback. DeMuth explained they have done some necessary interior remodeling, but would like to add a sunroom and deck to the home.

DiSessa stated the home is over the right-of-way line on the east and south side of the property.

Edleston stated there is a pre-existing, non-conforming situation, and there is no way to make the home conform given the placement of the house. Edleston stated the proposed sunroom and deck additions would not make the situation worse.

Farino stated the property is an existing condition, and in his opinion, the approval of the proposed sunroom and deck additions wouldn't impact anyone.

DiSessa stated the septic system would have to be moved, and Warren County Board of Health approval would have to be a condition of any resolution. DeMuth stated he was in the process of submitting a septic design to the Warren County Board of Health.

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**MOTION** was made by **DRAZEK** to deem the application for Case #13-08, Donald DeMuth complete.

**SECONDED: SPENDER.**

Those in favor: Mills, Spender, Farino, Drazek, Vaezi, Mayor Tomaszewski, Barton.

Opposed: None.

Abstained: None.

The hearing was opened to the public for comments and questions. There were no comments or questions from the general public.

**MOTION** was made by **BARTON** to approve the variance application for Case #13-08, Donald DeMuth for front yard setbacks on the southerly and easterly sides of the subject corner lot, subject to Warren County Board of Health, and any other conditions raised during the testimony.

**SECONDED: DRAZEK.**

Those in favor: Mills, Spender, Farino, Drazek, Vaezi, Mayor Tomaszewski, Barton.

Opposed: None.

Abstained: None.

DeMuth stated he would like to request permission to begin the approved work prior to the adoption of the resolution at the next meeting. DeMuth explained the construction season is slipping away, and he would like to install the new septic system once he received approval.

Edleston explained the board has in the past written a letter to the Construction Official explaining the approval was granted, and it would be up to the applicant to proceed at their own risk through the appeal period.

**MOTION** was made by **MAYOR TOMASZEWSKI** to authorize Edleston to write a letter to the Construction Official indicating the approval was granted, and the applicant could proceed at their own risk.

**SECONDED: SPENDER.**

Those in favor: Spender, Farino, Drazek, Vaezi, Mayor Tomaszewski, Mills, Barton.

Opposed: None.

Abstained: None.

Hight and Watters returned to the board.

**Case #13-09, DeMattheis Real Estate**

Present for the applicant: Glenn Williams, Esquire; Gregory VandeRyte, P.E.; Steven DeMattheis

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DiSessa briefly explained the history of a prior approval for the subject lot. DiSessa stated the current application is to adjust the lot line around the previously approved building. DiSessa stated the applicant is before the board tonight for a completeness hearing only.

DeMattheis explained the prior approval was to allow construction of a bank, but the economy took a serious downturn. DeMattheis stated it is unclear what uses the current market will bring, but he is optimistic something will come to the site.

Edleston stated the prior approval was granted for two uses, and should the applicant only want one use the plan would have to be revised.

DiSessa stated the applicant is requesting a variance for parking.

DiSessa and VandeRyte discussed the deficient items listed in DiSessa's report of 11/14/2013. VandeRyte stated the applicant would clarify any outstanding items, and submit revisions for the next hearing. DiSessa stated any revisions would have to be submitted at least ten days prior to the meeting. DiSessa indicated there was sufficient material already submitted to anticipate completeness and public hearing at the next meeting.

**MOTION** was made by **BARTON** to deem the application for Case #13-09, DeMattheis Real Estate incomplete for the items in DiSessa's 11/14/2013 report.

**SECONDED: HIGHT.**

Those in favor: Farino, Drazek, Hight, Vaezi, Mayor Tomaszewski, Watters, Mills, Spender, Barton.

Opposed: None.

Abstained: None.

Williams stated he would provide proper notice for the December 16, 2013 meeting.

Under old business, Terry and Brenda Sams asked if there was any progress on the Yusen Logistics property, and the issue they have brought to the attention of the board over the last several months. T. Sams stated they have done some paving and curbing of the property and it is not easy for the trucks to maneuver. Sams stated the truck trailers are now longer than when the original plan was approved, and the additional length creates additional maneuvering.

DiSessa stated he requested the common roadway to be widened, but Yusen refused. DiSessa stated he had looked at the situation, and tries to make sure the truckers keep to the roadway and don't maneuver onto the grass.

B. Sams stated additional area on the site has been paved, and asked where she could obtain a copy of the original Mobil Chemical approval from 1971. Sams explained the difficulties she has had with the truck traffic and accessibility to her own property.

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Further discussion took place regarding the Yusen Logistics trucking operation, and the impact on the neighbors.

T. Sams stated the storage of the air conditioners should be relocated to the internal lot, and use the external lot for the parking of the tractor trailers.

DiSessa stated he would have to review further the past resolutions for the property.

Watters stated it is unfortunate they are uncooperative neighbors. B. Sams stated they should somehow be reprimanded for their actions.

Further discussion took place regarding the past history of the site, and how best to obtain older information on prior approvals and conditions.

**MOTION** was made by **VAEZI** to authorize the Township Committee to pay the invoices submitted by the professionals.

**SECONDED: MAYOR TOMASZEWSKI.**

Those in favor: Drazek, Hight, Vaezi, Mayor Tomaszewski, Watters, Mills, Spender, Farino, Barton.

Opposed: None.

Abstained: None.

Drazek mentioned the deplorable condition of the roads in the Diamond Hill section of Mansfield Township, and asked if they would be repaved. Watters explained the project was put out to bid, but the bid was too high. Watters stated there weren't sufficient funds to pay for the project. Watters stated the project would be rebid next year.

**MOTION** was made by **HIGHT** to adjourn the meeting at 8:59 PM.

**SECONDED: DRAZEK.**

Voice Vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk  
(As Amended)